

MISSING

The Legal Dilemma: USA

Most children are involved in some kind of high risk behavior on-line. They may be giving out too much information or visiting pornographic websites. Unfortunately, most of these children believe that if they get into trouble, they will be rescued by adults: either parents, teachers or the police. They do not realize how difficult it is to pursue, prosecute and convict predators who use the Internet.

This special activity, The Legal Dilemma: USA, teaches children that they must take some responsibility for reporting criminal behavior on the Internet. The activity is a fifteen minute dialogue with a surprise ending to reinforce key messages about Internet crime.

The activity takes place after children have finished playing episode 6 of the Missing game. Fantasma has put Zack into a duffel bag and taken him aboard his boat. Fantasma was arrested before he reached his destination, a resort on the coast of Baja California.

The Legal Dilemma asks children to put themselves in the shoes of American police officers along the US-Mexican border in 1999. Could they have charged Fantasma with a crime? During the activity children prepare a case against Fantasma by exploring California laws on kidnapping and child pornography at the time of Zack's disappearance, in September of 1999.

During the discussion, children realize that they failed to obtain a search warrant before entering Fantasma's home. Therefore, evidence obtained in the studio - such as the photos on the walls and in the laptop - cannot be used in court. Children must make their case based on the evidence they collected while investigating Fantasma on-line.

The goal of the discussion is for children to realize that they should report any incidents of pornography or luring that they encounter on-line. They should also realize that it is much easier to prevent a crime before it happens than to prosecute it afterward.

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Preparing Yourself

- Spend an hour with the teacher deciding how you will deliver the programme. Teachers often have valuable suggestions for dealing with the class. Check to find out if there are students who have particular problems that should be avoided. Children who are learning English as a second language for example, may not feel comfortable answering complex questions.
- Photocopy the pages entitled California Laws: 1999 onto an 11 x 17 sheet so the words can be seen by all of the students. Alternatively, make a copy of the pages for each team of students who played the game.
- You may also want to take along a legal book to show children how California law is codified. Children are often astonished to see how complex the law is.
- Students who have played the game often ask many questions about police work. It is helpful to arrive with some examples of local children who have run into trouble on the Internet.
- Remember that the goal of this activity is to engage children in an open discussion with a police officer. Give them lots of opportunity to discuss their ideas - and have a good time!

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The Classroom Discussion

- On your laptop, cue Missing 2 to the raid on Fantasma's home. Begin by holding up the Statutes of California and asking children if they know what a statute is. Explain briefly how police officers use the statutes to guide them.
- Invite children to put themselves in the role of a police officer as Zack and Fantasma are headed across the US border into Mexico. Can you arrest Fantasma? If so, what crime can he be charged with? Ask them for their ideas.
- Explain that you have written out the Statutes that appear to apply to this situation. Hand out one copy of the Statutes to each team that played Missing together. Explain that they should put a tick beside the crimes Fantasma has committed and write in the evidence they have found to support the charge.
- Ask one team for a charge against Fantasma, being specific about the evidence to back it up. Encourage the class to discuss if this statute applies. Ask each team to report.
- Write down all these charges until the class has made a complete list. The list should include seven Statutes, all except Kidnapping (since Zack is 14 years old).
- Then, with a shocked expression, ask the children whether any one of them remembered to get a search warrant before they raided Fantasma's home. On your laptop, open Missing 2 to the raid on the house and point out that the children should have obtained a search warrant before going through Fantasma's door with a battering ram.
- Go back over the list and strike off any charges based on evidence seized at Fantasma's house. Two charges remain: Using a Child to help distribute Pornography and Annoy or Molest a Child. (Posing or Modeling a Child is also a possible charge). Zack can give evidence on these charges. Add up the punishment Fantasma could receive.
- Point out how much time and effort it took to solve the crime in this game and how difficult it is to solve a real case. Ask children what Zack should have done when Fantasma sent him the first image of Danielle. Conclude by explaining that the police depend on children and adults to report cases of pornography and luring.

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California Penal Code

207 (a) P C - Kidnapping

Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, or detains, and carries the person into another country, state, county or into another part of the same county, is guilty of kidnapping.

Punishment - (Felony) State prison for 3, 5, or 8 years

207 (b) P C - Enticing a Minor Under the age of 14

Every person who for the purpose of committing any act defined in Section 288, hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any child under the age of 14 years to go out of this country, state, or county, or into another part of the same county, is guilty of kidnapping.

Punishment - (Felony) State prison for 5, 8, or 11 years

311.11 (a) P C - Possession of child Pornography

Every person who knowingly possesses or controls any matter, representation of information, data or image, including, but not limited to: any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated image that contains or incorporates in any manner, any film or filmstrip, the production of which involves the use of a person under the age of 18 years, knowing that the matter depicts a person under the age of 18 years personally engaging in or simulating sexual conduct.

Punishment - (Misdemeanor) County jail for 1 year and/or \$2,500

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311.1(a) P C - Distribution of Child Pornography

Every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data or images, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film or filmstrip, with intent to distribute or to exhibit to, or to exchange with, others, or who offers to distribute, distributes or exhibits to, or exchanges with, others, any obscene matter, knowing that the matter depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct.

Punishment - (Felony) State prison/county jail, 1 year and/or \$10,000

311.2(b) P C - Manufacturing Child Pornography

Every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, or prints any representation of information, data or images, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film or filmstrip, with intent to distribute or to exhibit to, or to exchange with, others, or who offers to distribute, distributes or exhibits to, or exchanges with, others, for commercial consideration or who offers to distribute, distributes or exhibits to, or exchanges with, others for commercial consideration, any obscene matter knowing that the matter depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct.

Punishment - (Felony) State prison for 2, 3, or 6 years and/or \$100,000

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273(a) P C - Child Abuse

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.

Punishment - (Felony/Misdemeanor) County jail 1 year or (if traumatic injury) state prison for 2, 4, or 6 years